

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CULLEN McMANUS,
Plaintiff,

v.

BOSTON UNIVERSITY DERMATOLOGY, INC.,
BOSTON UNIVERSITY,
BOSTON MEDICAL CENTER, and
RHODA ALANI
Defendants.

Civil Action No.

JOINT NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF MASSACHUSETTS:

Defendants, Boston University Dermatology, Inc., Trustees of Boston University (identified in the Superior Court action as "Boston University"), Boston Medical Center and Dr. Rhoda Alani (hereinafter "Defendants"), by and through their undersigned attorneys, pursuant to 28 U.S.C. § 1131, 1441, and 1446, jointly seek removal of the above referenced action. As grounds for this removal, Defendants state that:

1. Cullen McManus ("Plaintiff") instituted a civil action in the Suffolk County Superior Court, entitled Cullen McManus v. Boston University Dermatology, Inc., Boston University, Boston Medical Center and Rhoda Alani, C.A. No. 14-3026-B, by filing a Summons and Complaint on or about September 24, 2014 ("State Action"). Defendants Boston University Dermatology, Inc., Boston Medical Center and Dr. Rhoda Alani accepted service of the Complaint on December 17, 2014. Plaintiff served the Complaint on Defendant Trustees of Boston University on or about December 15, 2015. True and accurate copies of the Summonses and Complaint are annexed hereto

as Exhibit A. The Complaint alleges causes of action arising under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and Massachusetts General Laws, Chapter 151B.

2. Defendants have not yet served any Answer or responsive pleading to the Complaint, and no further proceedings have occurred in this State Action to date.

3. Through their undersigned counsel, all Defendants consent to this removal.

4. As set out more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 because: (i) this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331; and (ii) Defendants have satisfied the procedural requirements for removal.

5. This action is being removed to this Court on the grounds that original jurisdiction of this action is in this Court. Specifically, the Plaintiff has asserted claims that arise under federal law: Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act.

6. This Notice is being filed within thirty (30) days of service of the Summons and Complaint. The time for filing this Notice under 28 U.S.C. § 1446(b) has not expired.

FEDERAL QUESTION JURISDICTION

7. 28 U.S.C. § 1441 provides the basis for removal jurisdiction of this Court in this action. That section provides, in pertinent part:

any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

8. The State Action herein is within the original jurisdiction of this Court based upon federal question jurisdiction pursuant to 28 U.S.C. § 1331, in that Plaintiff here claims damages pursuant to the "Constitution, laws, or treaties of the United States," specifically Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act.

9. Because the United States District Courts have original jurisdiction over causes of action arising under federal law, pursuant to 28 U.S.C. § 1331, removal of this case to this Court under the circumstances herein is proper.

10. Accordingly, this action is removable to the Court under 28 U.S.C. § 1441.

11. Plaintiff's state law claims of violations of Massachusetts General Laws, Chapter 151B, are based on the same factual allegations as his federal law claims. Consequently, this Court has supplemental jurisdiction over the state law claims asserted by Plaintiff pursuant to 28 U.S.C. §1367.

12. Defendants submit this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding Plaintiff has pled claims upon which relief may be granted.

13. Defendants will notify the Suffolk County Superior Court and Plaintiff of this Notice of Removal by filing with the Suffolk County Superior Court a Notice of Filing of Notice of Removal. A copy of the notification which will be sent to the Suffolk County Superior Court is attached hereto as Exhibit "B".

WHEREFORE, Defendants prays that the above State Action now pending against it be removed to this Court.

Respectfully submitted,

TRUSTEES OF BOSTON UNIVERSITY

/s/Lisa Tenerowicz

Lisa A. Tenerowicz (BBO# 654188)

Associate General Counsel

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BOSTON UNIVERSITY DERMATOLOGY, INC.,
BOSTON MEDICAL CENTER, and
DR. RHODA ALANI

By their attorneys,

/s/Matthew D. Freeman

Matthew D. Freeman (BBO # 664355)

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(617) 367-0025; FAX: (617) 367-2155

Dated: January 16, 2015

CERTIFICATE OF SERVICE

This hereby certifies that on this 16th day of January, 2015, a copy of the foregoing document was served upon Plaintiff's counsel, Jill Havens, Esquire, The Law Office of Jill Havens, 11 Green Street, Jamaica Plain, MA 02130, via first class mail, postage pre-paid.

/s/Matthew D. Freeman
Jackson Lewis P.C.

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